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4 ROBERT B. ECKSTEIN, et al.,
5 Plaintiffs,
6 v.
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8 BARRETT DAFFIN FRAPPIER TREDER
9 & WEISS, LLP, et al.,
10 Defendants.

11 Case No. 16-cv-02883-JCS
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**13 ORDER REFERRING CASE TO ADR
14 UNIT FOR ASSESSMENT TELEPHONE
15 CONFERENCE**

16 Pursuant to Civil Local Rule 16-8 and ADR Local Rule 2-3, the court refers this
17 foreclosure-related action to the Alternative Dispute Resolution (ADR) Unit for a telephone
18 conference to assess this case's suitability for mediation or a settlement conference. Plaintiff and
19 defendants' counsel shall participate in a telephone conference, to be scheduled by the ADR Unit
20 as soon as possible but no later than July 1, 2016.

21 Plaintiff and defendant's counsel shall be prepared to discuss the following subjects:

- 22
- 23 1. Identification and description of claims and alleged defects in loan documents.
 - 24 2. Prospects for loan modification.
 - 25 3. Prospects for settlement.

26 The parties need not submit written materials to the ADR Unit for the telephone
27 conference.

28 In preparation for the telephone conference, plaintiff shall do the following:

- 29 1. Review relevant loan documents and investigate the claims to determine whether
30 they have merit.
- 31 2. If plaintiff is seeking a loan modification to resolve all or some of the claims,
32 plaintiff shall prepare a current, accurate financial statement and gather all of the

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Northern District of California

1 information and documents customarily needed to support a loan modification
2 request. Further, plaintiff shall immediately notify defendants' counsel of the
3 request for a loan modification.

- 4 3. Provide counsel for defendants with information necessary to evaluate the
5 prospects for loan modification, in the form of a financial statement, worksheet or
6 application customarily used by financial institutions.
7 4. In preparation for the telephone conference, counsel for defendants shall do the
8 following.
9 5. If defendants are unable or unwilling to do a loan modification after receiving
10 notice of plaintiff's request, counsel for defendants shall promptly notify plaintiff to
11 that effect.
12 6. Arrange for a representative of each defendant with full settlement authority to
13 participate in the telephone conference.

14 The ADR Unit will notify the parties of the date and time that the telephone conference
15 will be held. After the telephone conference, the ADR Unit will advise the court of its
16 recommendation for further ADR proceedings.

17 **IT IS SO ORDERED.**

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19 Dated: June 2, 2016

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21 JOSEPH C. SPERO
Chief Magistrate Judge
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